REMARKS

This amendment is in response to the Official Action dated May 8, 2009. No claims have been amended, no claims have been canceled, and no claims have been added; as such, claims 1-23 are now pending in this application. Claims 1, 5, and 10-15 are independent claims. Reconsideration and allowance is requested in view of the following remarks.

35 USC § 103 Rejections

Claims 1, 12, and 14 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto et al (US 20004/0179122, hereinafter referred to as "Morimoto '122") in view of Endo et al (U.S. Pub. No. 2002/0039203, hereinafter referred to as "Endo '203"). Applicant respectfully traverses this rejection.

Claim 1 recites: *[a] picture display controlling apparatus comprising:*

data holding means for holding a plurality of picture data items;

picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired;

resume pointer holding means for holding as a picture resume pointer the location of the picture data item most recently displayed from any of picture groups obtained by sorting said picture data items;

operation inputting means for accepting an operation input for designating any of said picture groups or any of the picture data items in the designated picture group; and

display controlling means for exercising control such as to display the designated picture group or the designated picture data item in said designated picture group

and each picture group is displayed using at least the location information used by sorting said picture items;

wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.

Morimoto '122 _fails_ to disclose, teach, or suggest "*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.*"

These features make it possible to resume the same picture display where the user last left off in each picture group after returning from other picture groups having been displayed. That is, there is no need to display repeatedly the picture data items from the beginning in a given picture group every time that picture group is selected. The user can thus switch from one picture group to another for display in an easier and more intuitive manner than before.

However, the Office Action alleges Morimoto '122 discloses these claimed features in Fig. 7 and paragraph [0109]. This is inaccurate.

Morimoto '122 discloses an image capturing device allowing a user to view an album file or the like more easily. In particular, Morimoto '122 discloses a digital camera for registering a

captured image in an album file, a display for displaying an image, and a switch button for

switching between display images. The image to be displayed is changed in response to depressing

a button located on the camera.

In particular, paragraph [0009] of Morimoto '122 states:

[0009] If even one album file is recorded in the memory card 90, the digital camera 1

shifts to state ST30. The state ST30 is a state where the digital camera 1 is set in the

"album reproduction mode" and an album image is displayed on the LCD 5. In the

state ST30, first, an album image in the album file registered most recently is

displayed on the LCD 5. Each time the left or right key 7c or 7d is depressed, the file

to be displayed on the LCD 5 is changed sequentially in forward or reverse order of

registration.

Paragraphs [085]-[0087] of Morimoto '122 determine how an album file is registered:

[0084] The name of a file of album images is given on the basis of a rule similar to

that of a captured image. The four alphabets (Albm) in the first half in the eight

characters in the head of the file name indicate the kind (indicating that the image is

registered as an album), and the four numerals in the latter half indicate a serial

number which is serially given in order of generation of album images.

[0085] As shown in FIG. 4, for example, when the operator registers a file of the

name "Pict0006.jpg" as a favorite image, a file of an album image (album image file)

having the name of "Albm0003.jpg" is generated. Since it is assumed here that the

third album image is generated, the serial number of the album image file generated

is "0003".

[0086] The album folder has not only the album image files but also a file in which

basic information regarding a plurality of files registered as an album is recorded

(hereinafter, also referred to as "album information file"). The album information

file is shown as a file having the name of "Album.inf" in FIG. 4 and has a

configuration as shown FIG. 6. The contents of the album information file will be

described later.

[0087] By such an album registering function, the operator can register a favorite

image out of captured images as an album image.

By employing the registration process above, Morimoto '122 discloses when viewing the

displayed picture on the LCD, the picture is the one most recently registered in the album file. In

contrast, Applicant causes a resume pointer holding means to hold the location of the picture data

item most recently displayed from a first picture group as the picture resume pointer for the first

picture group, while viewing a second picture group.

Indeed, by employing the viewing process of Morimoto '122, the user must display

repeatedly the picture data items from the beginning of the album before getting to the one last

viewed. This is precisely what Applicant is trying to avoid.

- **Therefore Morimoto '122 _fails_ to disclose, teach, or suggest wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer.**

Moreover, the Office action _admits_ Morimoto '122 _fails_ to disclose, teach, or suggest

"_resume pointer holding means for holding as a picture resume pointer the location of the picture_

data item most recently displayed from any of picture groups obtained by sorting said picture data

items," and "_picture group obtaining means for obtaining picture groups by sorting said picture_

data items according to the location information of which the picture data was acquired," but

alleges, Endo '203 does. This is also inaccurate.

Endo '203 does not remedy the deficiencies of Morimoto '122, as the various features

recited above are also absent from Endo '203. For example, Applicant's claimed features of

"wherein, if said operation input accepted by said operation inputting means designates transition

from a first picture group to a second picture group, then said display controlling means causes

said resume pointer holding means to hold the location of the picture data item most recently

displayed from said first picture group as the picture resume pointer for said first picture group,

while retrieving the picture resume pointer for said second picture group from said resume pointer

holding means in order to display anew the picture data item pointed to by the retrieved picture

resume pointer," are neither disclosed nor suggested by Endo '203.

Endo '203 discloses a picked-up image managing device capable of managing picked-up

images by grouping the same, a method of determining group names, and computer usable medium

storing group name determining program. Particularly, the present invention relates to a picked-up

image managing device capable of managing picked-up images in groups based on the position

where the image is picked-up, a method of determining group names, and computer usable medium

storing group name determining program.

Clearly, Endo '203 discloses grouping picked-up images based on the position data of

the where the image was picked-up but ***does not mention*** a resume pointer holding means for

holding as a picture resume pointer the location of the picture data item most recently displayed

from any of picture groups.

Since even a combination of the relied upon references would still fail to yield the

claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not

been presented. Applicant also notes that the offered combination appears to be a failed attempt to

reconstruct the claimed invention in hindsight, as there is no basis to the digital camera LCD display

of Morimoto '122 with the picked-up image managing device and method of Endo '203.

For the reasons stated above, claims 12, and 14 also are distinct from Morimoto '122 and Endo '203 (although claims 1 and 12, and 14 should be interpreted solely based upon the limitations set forth therein).

Accordingly, Applicant respectfully requests that the rejection of claims 1, 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 be withdrawn.

Claims 5, 10-11, 13 and 15 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view of Stavely et al (US 2004/0201752, hereinafter referred to as "Stavely '012"). Applicant respectfully traverses this rejection.

Claims 5, 10-11, 13 and 15 incorporate the features of claims 1, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203, for the reasons stated above.

Stavely '012 does not remedy the deficiencies of Morimoto '122 in view of Endo '203, as the various features recited above are also absent from Stavely '012. For example, Applicant's claimed features of "*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer,*" are neither disclosed nor suggested by Stavely '012.

Stavely '012 discloses control logic, a display and functions for viewing both individual images and preferred images, each preferred image belonging to a group of images. It provides an image browser user interface that displays a primary set of images comprising individual images and preferred images. The preferred images is obtained either by the user having specified the

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preferred image a representative image or, by default, the chronologically first image within the group of images is set as the preferred image.

There is **_no mention_** of a picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquire.

Still further, Stavely '012 does not disclose or suggest *"picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired."*

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the picked-up image managing device and method of Endo '203 with the image browsing user interface of Stavely '012.

For the reasons stated above, claims 5, 10-11, 13 and 15 also are distinct from Morimoto '122, Endo '203, and Stavely '012 (although claims 1 and 5, 10-11, 13 and 15 should be interpreted solely based upon the limitations set forth therein).

Accordingly, Applicant respectfully requests that the rejection of claims 5, 10-11, 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012 of be withdrawn.

Claims 2-4 and 17 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view of Parulski et al (US 2004/0201752, hereinafter referred to as "Parulski '877"). Applicant respectfully traverses this rejection.

Claims 2-4 and 17 depend from or incorporate the features of claim 1, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203, for the reasons stated above.

Parulski '877 does not remedy the deficiencies of Morimoto '122 in view of Endo '203, as the various features recited above are also absent from Parulski '877. For example, Applicant's claimed features of *"wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in order to display anew the picture data item pointed to by the retrieved picture resume pointer,"* are neither disclosed nor suggested by Parulski '877.

Parulski '877 discloses a means for using favorite images captured by a digital camera to organize and identify electronic albums. Parulski '877 captures and stores first and second groups of digital images, identifies favorites images for the first and second groups, stores data in the digital camera identifying the favorite groups, transfers the first and second groups to a computer, produces a first electronic album including the first group of digital images and a second electronic album including the second group of digital images and uses the favorite image from the first group of digital images to represent the first electronic album and uses the favorite image from the second group of digital images to represent the second electronic album.

There is **_no mention_** of sorting the picture data items according to the location information of which the picture data was acquired on the digital camera. The first and second digital images of Parulski '877 are sorted by the favorite image of the set and does so on a computer not on the digital camera itself. This defeats the purpose of providing the user quick interaction with the digital camera in sorting and retrieving images.

Still further, Parulski '877 does not disclose or suggest *"picture group obtaining means for obtaining picture groups by sorting said picture data items according to the location information of which the picture data was acquired."*

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the picked-up image managing device and method of Endo '203 with the means for using favorite images to organize electronic albums of Parulski '877.

Furthermore, at least for the reason disclosed above, claims 2-4 and 17 overcome the combination of Morimoto '122 in view of Endo '203 further in view Parulski '877 because they depend on independent claim 1.

Accordingly, Applicant respectfully requests that the rejection of claims 2-4 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 in further view Parulski '877 of be withdrawn.

Claims 6-9, 16 and 18-23 have been rejected under 35 U.S.C. § 103(b) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012 and further in view of Parulski '877. Applicant respectfully traverses this rejection.

Claims 6-9, 16 and 18-23 depend from or incorporate the features of claim 1, 5, 10 and 11, which are neither disclosed nor suggested by Morimoto '122 in view of Endo '203 further in view of Stavely '012, for the reasons stated above.

As previously discussed, Parulski '877 does not remedy the deficiencies of Morimoto '122 in view of Endo '203 or even Stavely '012, as the various features recited above are also absent from Parulski '877. For example, Applicant's claimed features of "*wherein, if said operation input accepted by said operation inputting means designates transition from a first picture group to a second picture group, then said display controlling means causes said resume pointer holding means to hold the location of the picture data item most recently displayed from said first picture group as the picture resume pointer for said first picture group, while retrieving the picture resume pointer for said second picture group from said resume pointer holding means in*

order to display anew the picture data item pointed to by the retrieved picture resume pointer," are neither disclosed nor suggested by Parulski '877.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the digital camera LCD display of Morimoto '122 with the picked-up image managing device and method of Endo '203 with the image browsing user interface of Stavely '012 with the means for using favorite images to organize electronic albums of Parulski '877.

For the reasons stated above, claims 5, 10 and 11 also are distinct from Morimoto '122, Endo '203, Stavely '012 and Parulski '877 (although claims 1 and 5, 10 and 11 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reason disclosed above, claims 6-9, 16 and 18-23 overcome the combination of Morimoto '122, Endo '203, Stavely '012 and Parulski '877 because they depend on independent claims 1, 5, 10 or 11, as well as for their separately recited patentable distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 6-9, 16 and 18-23 under 35 U.S.C. § 103(a) as being unpatentable over Morimoto '122 in view of Endo '203 further in view Stavely '012 and further in view of Parulski '877 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office
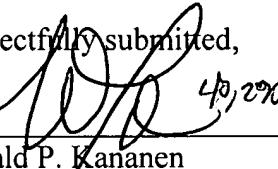
Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3333 from which the undersigned is authorized to draw.

Dated: June 17, 2009

Respectfully submitted,

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